

**Statement of Mark Rey  
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**Field Oversight Hearing on the Endangered Species Act Implementation**

**Senate Environment and Public Works Committee  
Subcommittee on Fisheries, Wildlife and Water**

**August 23, 2004**

**Casper, Wyoming**

**Introduction**

Thank you Mr. Chairman for the opportunity to speak to you today concerning the role the Forest Service and the Natural Resources Conservation Service (NRCS) have in implementing the Endangered Species Act (ESA). Although the U.S. Fish and Wildlife Service (FWS) and the National Oceanographic and Air Administration (NOAA) Fisheries are the agencies most directly responsible for implementation and enforcement of the Act, all Federal agencies, including the Forest Service and the NRCS, have been granted affirmative authorities to carry out programs for the conservation of threatened and endangered (T&E) species, in coordination with FWS, NOAA Fisheries and state agencies.

Let me talk first about the Forest Service. Next year, the Forest Service will be a century old. The Forest Service was charged with managing the National Forests to ensure a stable timber supply, to protect watersheds and improve and protect the forests. A century ago our natural resources, including game animals such as deer and wild turkey, were in decline. The elk and grizzly had disappeared from most of their range, and bison were on the edge of extinction. Congress reaffirmed its commitment to the sustainability of all the various forest uses, including wildlife, in the Multiple-Use Sustained Yield Act of 1960.

The Forest Service has acted cooperatively with other federal, state and local agencies to implement the provisions of the ESA. From 1980 to 2004, the number of species endangered or threatened with extinction and listed under the ESA rose from 281 to 1,265. Of the total number of listed species under ESA, 425 species either use National Forest or Grassland habitats, or potentially are affected by Forest Service management activities. For the past three decades, we've protected and contributed to the ongoing recovery efforts of about a third of all listed species, and we're proud of that. Working

with partners, we're helping to bring back the red-cockaded woodpecker in the South and the grizzly in the Northern Rocky Mountains, and through our efforts have kept other species from needing the protection of the ESA.

### **Implementing ESA**

Preventing the need for listing a species is always easier and less costly than recovery, so we make it a priority. On National Forest System land, we protect habitat for some 3,200 designated sensitive species, both terrestrial and aquatic, animal and plant "species at risk". These are species that can benefit from special management and thus avoid the necessity of formal listing as threatened or endangered.

We also do hands-on recovery projects to implement the recovery tasks identified in species recovery plans. In fiscal 2003, the Forest Service invested \$37.2 million in threatened, endangered, and sensitive species recovery and conservation. We had 1,461 programs and projects to benefit hundreds of species of which more than a third of those included partnerships that involved about \$8 million in partner funding. We improved more than 220,000 acres of habitat and 630 miles of stream for T&E species as identified in recovery plans. \$4.5 million in endangered species research was invested for recovery and management of 73 species. We assisted with reintroduction of some species as identified in recovery plans and helped keep others from being listed, and many non-T&E species and ecosystems also benefited from those projects.

Working with our partners, we have had some recent successes such as the recovery of the Robbins Cinquefoil in New Hampshire, and the improvement of habitat for the Apache and Gila trout which are on the way to recovery. Of course, we still have a lot of work left to do. We fully support the State Wildlife Agreements and State Wildlife Grants initiatives, and we want to work closely with the states to benefit the species of greatest conservation need in each respective state. We will assist with completion of recovery plans for those species which do not have such plans but are found on National Forest System lands or are impacted by Forest Service management activities, and we need to move forward with actions that accomplish recovery plan goals.

There are always more opportunities than funding, but we do a lot to stretch our limited resources to benefit T&E species and habitats. For example, the Forest Service has over the past three years provided over \$10 million to fund biologists from FWS and NOAA Fisheries to expedite projects, including projects that help further the President's Healthy Forest Initiative. Over the years we have developed project partnerships not only with other federal agencies, but with thousands of organizations, businesses, landowners and others.

### **Natural Resources and Conservation Service**

The NRCS also has a role in regard to endangered species and preventing species from being listed under the ESA. NRCS has worked to offer a broad base of financial and technical assistance in the form of voluntary and cooperative conservation programs that improve natural resources on working lands. While virtually all of the conservation programs implemented by NRCS benefit a multitude of species through improved water and soil quality, let me point out a few recent examples that benefits wildlife habitat. On August 4, Secretary Veneman announced \$350,000 targeted assistance in the Wildlife Habitat Incentives Program (WHIP) funds to protect sage grouse habitat in Utah. As you probably are aware, the Gunnison sage grouse is a candidate species. Candidate species are species for which there is sufficient information on their biological status and threats to propose them as endangered or threatened under the ESA, but for which development of a listing regulation is precluded by other higher priority listing activities.

WHIP is a voluntary and cooperative conservation program administered by NRCS that provides technical and financial assistance to landowners and others to develop upland, wetland, riparian, and aquatic habitat areas on their property. An aquatic species that benefits from the Wildlife Habitat Incentives Program is salmon; some \$3.5 million is targeted in a new initiative to help restore salmon habitat in Alaska, California, Idaho, Maine, Oregon, and Washington through such projects as providing shade along streams, restoring gravel spawning beds, removing barriers to fish passages, and reducing agricultural runoff. Through the Environmental Quality Incentives Program (EQIP) nearly \$1 million has been obligated to help preserve habitat in Montana's Big Hole River for another candidate species, the Arctic grayling. Another EQIP initiative is related to the Northern Bobwhite Quail. While the Northern Bobwhite Quail is not a listed species or a candidate species, its numbers have substantially declined over the past twenty years. Through EQIP, conservation practices will be introduced to create 250,000 acres of early successional grass buffers along agricultural field borders. We estimate that this nesting and brood-rearing cover will increase bobwhite quail numbers by 750,000 birds annually. These planted buffers also will benefit reptiles, amphibians, aquatic species and upland birds which are being considered for listing as endangered species.

### **ESA Process Streamlining**

As part of the President's Healthy Forest Initiative to restore fire dependent ecosystems, the Forest Service has examined ways to streamline the ESA processes to accomplish needed restoration activities while meeting the goals of ESA. To meet agency needs, the Forest Service and the FWS have developed guidance to assist in streamlining the section 7 consultation process for hazardous fuels treatment projects. This guidance encourages early coordination and cooperation at the project planning stage, "batching" of similar projects, and use of design criteria or screens to streamline the consultation process while minimizing the potential for adverse effects to listed species and their habitats at both the landscape and site-specific levels. All procedures identified in this guidance are consistent with the requirements of section 7(a) (2) of the Act and its implementing regulations (50 CFR 402).

The Forest Service has also examined ways to streamline ESA processes to accomplish need restoration activities that support the National Fire Plan (NFP). In March of this year, the Forest Service, under the provisions of the counterpart regulation, entered into an Alternative Consultation Agreement with FWS and NOAA Fisheries to expedite the evaluation of effects on threatened and endangered species of NFP projects as required under Section 7 of the ESA. The purpose of the counterpart regulations is to enhance the efficiency and effectiveness of the Section 7 consultation process by providing an optional alternative to the procedures when the Forest Service determines a NFP project is “not likely to adversely affect” any listed species or designated critical habitat. After analysis by qualified and trained biologists, using the best available science, Forest Service line officers are able to certify that projects meet the ESA regulations and requirements without additional concurrences from FWS and NOAA Fisheries. As of August 2, 2004, 101 Forest Service line officers and 227 staff biologists have both taken the training and been certified to use the counterpart regulations. The approval of counterpart regulations marks one of the most innovative opportunities for implementation of Section 7 consultation regulations.

### **Vision for the Future**

The Forest Service and the NRCS share a vision for T&E species management that includes working at the “ground level” with communities, states, other federal agencies, and private landowners to manage habitats to conserve and help recover T&E species. Use of the best available information, sound science, resource integration, good judgment and partnerships will continue to be cornerstones of the T&E program. Working cooperatively with landowners we can proactively look towards improving habitat that overlaps private and federal lands. In the Forest Service, we are putting an increased emphasis on the Forest Legacy Program. This program has supported land conservation throughout the country which helps protect the habitat of threatened and endangered species habitat, while still maintaining traditional forest management. This program has put a high priority on acquiring conservation easements with private landowners that protects habitat important for threatened and endangered species. Thirteen of the 38 states in the Forest Legacy Program specifically identify protection or recovery of threatened and endangered species as an objective of the program within their state. For example, the Thompson Fisher project in western Montana protected more than 140,000 acres of working forests that is habitat for the listed grizzly bear, wolf, bald eagle, lynx, and bull trout.

Many landowners are concerned that they will have to bear additional regulatory burdens from managing their land in such a way to benefit threatened and endangered species. We are sensitive to these concerns and I affirm our commitment to work cooperatively with landowners and others in voluntary partnership efforts that improve the protection of threatened and endangered species.

## **Conclusion**

We are deeply committed to the spirit of the ESA and species and ecosystem recovery purposes of the Act. We have had good success with our partners toward achieving some of its goals over the years. We're gradually improving our processes to improve the efficiency required to implement the Act. The challenge is to focus on the goal of the recovery of threatened and endangered species and habitats important to us all, to prevent other species from being listed and to work with our partners in achieving this. We are committed to conserving this natural legacy for future generations. I would be happy to answer any questions that the committee may have.